

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 1 – 20 are currently pending in this application. Claims 22-41 have been added.

Claim Rejections - 35 USC § 103

Claims 1, 2, 5-7, 11, 12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,324,160 to Martin et al. (hereinafter Martin) in view of U.S. Patent No. 7,272,163 to Hao et al. (hereinafter Hao).

Claims 3, 4, 8-10, 13, 14, and 18- 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin and Hao, and further in view of U.S. Publication No. US 2007/0076581 A1 to Hadad (hereinafter Hadad).

The Examiner does not address Applicant's argument in the Detailed Action. The same passages in Martin are cited without any support as to how these portions disclose what Applicant has argued is missing in Martin. Martin does not suggest or teach a timing controller coupled to the selector that determines a gross timing offset of the selected reverse link signal to align the selected reverse link signal with reverse link signals from other subscriber units using the common code with the common phase.

Martin specifically teaches:

a receiver that is capable of analyzing a plurality of components of the same signal transmitted by a mobile

station arriving at the antenna array via different propagation paths and directions with a time offset.

See Martin Abstract. Martin further states that :

the object of [Martin] is to provide an adaptive receiver ... capable of amplifying the useful portion of several components of the same signal received on difference paths...

See Martin, Col. 1, line 43-58. According to Martin, a receiver is disclosed that receives and analyzes a signal received over numerous paths. This is contrary to Applicant's disclosed method and apparatus wherein a gross timing offset of the selected reverse link signal is determined to align the selected reverse link signal with reverse link signals from other subscriber units. Martin only analyzes the same signal received over different paths and does not determine a timing offset to align the signal to other subscriber units. Martin also does not disclose that the signal propagation time is determined from signals in other subscriber units. According to Martin the propagation time is based on the processing path.

Hao, as the Examiner admits, teaches on the use of a common code and unique orthogonal codes. Hao does not suggest or teach the elements of Applicant's disclosed method and apparatus that are missing in Martin. Therefore, neither Martin, nor Hao, alone or in combination with one another disclose. Applicant's method and apparatus as in claims 1, 11, 21, 28 and 34.

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Claims 2-10, 12-20 and 23-28, 30-34 and 36-41 are dependent upon claims 1, 11, 21, 28 and 34 and the Applicant believes these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the 103 rejection is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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